

## REMARKS

### I. Claim Objections

The objections have been obviated by appropriate amendment.

### II. 35 U.S.C. § 112

The objections have been obviated by appropriate amendment.

### III. 35 U.S.C. § 102

Claims 1-6, 8-9 and 20 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 7,201,549 ("Long"). Claims 1-20 relate to support platforms for accommodating the carrying of load items of different sizes and shapes within the same load carrying compartment. Load platforms may be supported at different levels within the load carrying compartment.

Long relates to a load support structure for the load carrying compartment of a load carrying vehicle. Long, Abstract. The support structure includes load platforms, on which load items can be supported, and a platform support structure, which is located in the load carrying compartment along the center line of the load deck of the load carrying vehicle and which supports the load platforms at an elevated level above the two side halves of the load deck, between opposite ends of the load deck. *Id.* The platform support structure disclosed, for each load platform, comprises two spaced substantially upright platform support columns, secured to the load deck along the centre line referred to, and a platform support beam extending between the support columns along the said center line at the elevated level at which the load platform is supported. *Id.* Each platform particularly is hingedly secured to the support beam to permit hinged displacement between an operative position, in which load items can be supported on the load platform, and an inoperative position, in which the platform is hingedly displaced to extend substantially vertically towards the roof of the load carrying compartment. *Id.* at Col. 2, ll. 13-52. A height adjustment arrangement is provided for adjusting the effective height of the support beam as illustrated in Figure 6. The

adjustment may be achieved by effectively adjusting either the position of the support beam with respect to the support columns, or by adjusting the effective height of the support columns with the beam secured between them. *Id.* at Fig. 6, and Col. 5, l. 57 – Col. 6, l. 2.

Long fails to disclose "a plurality of support formations at different levels above the load deck and providing for at least partial support of the load platform at a selected level above a side half of the load deck" as in claims 1-20. As illustrated in Fig. 6, Long describes an adjustable load platform (28). *Id.* at Fig. 6, and Col. 5, l. 57 – Col. 6, l. 2. However, the adjustable load platform (28) is adjustable at a single height on either side of the support column (24). *Id.* In other words, both sides of the load platform (28) in Long are at a uniform height and are not individually adjustable. *Id.* Conversely, the claims describe "support formations at *different levels*" that provide support "at a selected level above a side half of the load deck" (emphasis added). Although, Long discloses height adjustable platforms, those platforms are not adjustable above a side half of the load deck. As one example, Figures 3 and 7 of the current application illustrate platforms that are at different levels above a side half of the load deck.

#### **IV. 35 U.S.C. § 103**

Claims 10-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Long in view of by U.S. Pat. No. 5,443,350 ("Wilson"). Claims 18-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Long in view of by U.S. Pat. No. 2,656,216 ("Bobroff"). Claims 10-11 and 18-19 depend from independent claim 1 and relate to a plurality of support formations at different levels above the load deck and providing for at least partial support of the load platform at a selected level above a side half of the load deck. The addition of Wilson and Bobroff fail to disclose "support formations at *different levels*" that provide support "at a selected level above a side half of the load deck" as claimed.

**V. Conclusion**

Applicant respectfully submits that the pending claims are patentable, and respectfully requests withdrawal of the pending rejections.

Respectfully submitted,

Date: June 12, 2008

/Scott A. Timmerman/  
Scott A. Timmerman  
Registration No. 55,678  
Attorney for Applicant

BRINKS HOFER GILSON & LIONE  
P.O. Box 10395  
Chicago, Illinois 60610  
(312) 321-4200